UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,912	08/20/2001	Tao Chen	010501	7750

23696   7590   12/28/2006

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EXAMINER
JUNTIMA, NITTAYA

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
12/28/2006	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/933,912	CHEN ET AL.
	Examiner	Art Unit	
	Nittaya Juntima	2616	

--*The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE REPLY FILED 08 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

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Continuation of 11. does NOT place the application in condition for allowance because:

Regarding claim Rejections - 35 USC § 112, in claim 14, the limitation "wherein said determining number of frames that must be received correctly in accordance with a determined amount of redundancy" in lines 1-2 lack antecedent basis. Note that claim 10 merely includes the step of "determining a number of frames from a current buffer that must be received correctly," but not "in accordance with a determined amount of redundancy." In other words, claim 10 recites "X" and claim 14 recites "said (X+Y) comprises Z" (see the steps of determining a number of frames that must be received correctly in claims 1 and 2 for example). Therefore, claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office action dated 7/11/2006 and to include all of the limitations of the base claim and any intervening claims, and claim 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding the rejection of claim 1, Fisher clearly teaches the limitation "determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames" as follows:

Determining a number of frames (the number of original packets) that must be received and decoded correctly by an inner decoder (an inner decoder reads on an inherent decoder that performs EDAC decoding in step S6) for an outer decoder (an outer decoder reads on an inherent decoder that performs decoding in step S9B) to correctly decode the received frames (the subscriber determines that the number of Y' packets correctly received and decoded by EDAC decoding is equal to the number original packets, then the packets received are forwarded to a second decoder in step S9B in order to recover the original file X, col. 7, lines 27-36, 49-52, and col. 8, lines 7-18, see also col. 9, lines 64-col. 10, lines 1, 13-35). Since Fisher clearly teaches an inner decoder (an inherent decoder that performs EDAC decoding in step S6) and an outer decoder (an inherent decoder that performs decoding in step S9B), therefore Fisher teaches every limitation as claimed. The rejection is maintained.

Regarding the rejection of claims 3, 8, 35, and 40, as shown in Fig. 4, Li teaches informing the receiving end of the data rate of the next frame which is independent of the current frame being received (col. 6, lines 36-42). Moreover, the data rate is the data rate of the encoded data (equivalent to the encoding rate since encoding rate can be derived from the data rate) contained in the next frame, which can be 8600 bps, 4000 bps, 1900 bps, or 700 bps for full, half, quarter, and eight rates, respectively (col. 6, lines 27-col. 7, lines 10), and the symbols in a frame are repeated for half, quarter, or eight rates (equivalent to the amount of redundancy) before being transmitted to the receiving end (col. 6, lines 27-36). The receiving end would then process the next frame including reversing functions of the repeat symbols block 64 in Fig. 3 using the data rate information included in the current frame (col. 8, lines 52-col. 9, lines 1-12), Therefore, Li teaches providing the amount of redundancy and an encoding rate of received frames independently of the received frames as recited in the claims. The applicant also fails to point out an error in the motivation. Therefore, the rejection is maintained.